

## REMARKS

1. **Final Office Action is premature under MPEP 706.07(a)**

It is respectfully submitted that the final office action is premature. The office action erroneously states on page 12 that “Applicant’s amendment necessitated the new ground(s) of rejection”. This is not true with respect to claims 5, 12, 16 which were merely re-written as independent by the applicant’s amendment filed October 28, 2009. MPEP 706.07(a) prohibits making an office action final “if it includes a rejection, on newly cited art, ... of **any claim** not amended by applicant ... in spite of the fact that other claims may have been amended to require newly cited art.” Claims 5, 12, 16 were unchanged in scope but were rejected on newly cited art (Reisman and Cheng). Withdrawal of the finality of the office action is respectfully requested.

2. Claims 1-6, 9-10, 12-17 were rejected under 35 U.S.C. 103(a) over Surve (US 6,591,008) in view of Reisman (US 2003/0229900). Claims 7, 11 were rejected under 35 U.S.C. 103(a) over Surve in view of Reisman and Cheng (US 6,329,986). The claims as amended are believed to be allowable over Surve, Reisman and Cheng for the following reasons.

3. New claim 18 is directed to contents adaptation for a “user’s perceptibility impairment comprising a low-vision impairment symptom”. Claim 18 is supported by the specification page 16 lines 1-12, and in particular by lines 1-3 reciting enhancement of “perceptibility ... according to user’s capability”. Claim 18 is not limited to the embodiments discussed herein.

Claim 18 distinguishes from the three cited references by reciting, in line 4, “a presentation priority for each modality of a plurality of first modalities”, and by further reciting in lines 10-13 that “adapting the contents comprises, for each object of any first modality, adapting the object in accordance with the first modality’s presentation priority to obtain an adapted object whose modality is unchanged but whose presentation quality is enhanced or not in accordance with the first modality’s presentation priority”.

Of note, since the modality is unchanged, the adaptation of claim 18 is different from modality conversion such as text-to-speech conversion in Reisman's paragraph 0069 quoted by the examiner.

In the embodiment of the applicant's page 16 lines 1-12, for example, "when a low-vision user is interested in text contents, the text ... will be enhanced, audio contents may be enhanced as well (if the user has no problem in hearing), while the image contents may be ... given in low quality". Advantageously, some embodiments of claim 18 allow efficient utilization of computer resources based on the user's impairment as noted in page 16 lines 11-12 ("objects of high priorities will be enhanced and allocated more resources which results in higher qualities"). As noted above, claim 18 is not limited to the embodiments discussed herein.

Surve teaches adaptation of colors, and is not concerned with different modalities as recited in claim 18.

Reisman's paragraph 0069 recites text-to-speech conversion, but this is different from claim 18 as noted above because in claim 18 the adapted object's modality is unchanged.

Reisman's section "Priorities and Preferences for Managing Device Set Use" (paragraphs 0434-0445) has an extensive discussion of priorities but does not show recognition that a priority could be assigned to a modality (and hence to all objects of the modality) without modality conversion as recited in claim 18.

Cheng is no more pertinent in this regard than Reisman. According to Cheng's "SUMMARY OF THE INVENTION" (column 2 lines 20-27), priorities are assigned to "avatars and objects, such that highest priority avatars/objects have (a) enhanced rendering ... and (b) enhanced quality of service ...." An object "is any thing or part of the virtual environment, whether animate, inanimate or combination thereof" (column 3 lines 20-23). An avatar is a type of object (column 3 lines 26-27). Thus, Cheng's priorities are not assigned to modalities because different objects, with different priorities, may have the same modality. While each object may incorporate a number of modalities (e.g. audio and visible

parts, see column 9 last paragraph), Cheng's priorities are assigned on per-object basis, not on per-modality basis as in claim 18.

Claim 19 depends from claim 18.

Claim 20 is believed to be allowable for the reasons similar to the reasons given above for claim 18. Claim 21 depends from claim 20 and is supported by the specification page 6 lines 9-11. Claim 22 depends from claim 20 and is supported by the specification page 6 lines 22-24.

4. If a fee is required for this submission, please charge the fee or any underpayment thereof, or credit any overpayment, to deposit account 08-1394.

Any questions regarding this case can be addressed to the undersigned at the telephone number below.

Certificate of Transmission: I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (USPTO) via the USPTO's electronic filing system on June 16, 2010.

*Michael Shenker* *June 16, 2010*  
Attorney for Applicant(s) Date of Signature

Respectfully submitted,

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